IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 26TH SEPTEMBER 2007 / 4TH ASWINA 1929

WA.No. 2273 of 2007

AGAINST THE JUDGEMENT IN OP.2750/2003 Dated 01/11/2006
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APPELLANT: APPELLANT/IST RESPONDENT

NATIONAL SAVINGS ORGANISATIONS,
KERALA REGIONAL OFFICE, BLOCK C, III FLOOR,
CGO COMPLEX, POONKULAM,VELLAYANI P.O.,
TRIVANDRUM.

BY ADV. SRI.S.R. AJITH

RESPONDENTS: PETITIONERS 1 & 2 AND RESPONDENTS 2 TO 5
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1. THE ERNAKULAM URBAN CO-OPERATIVE SOCIETY
   LTD NO.7, RAVIPURAM ROAD, ELAMKULAM COCHIN-682016
   REP BY ITS ACTING SECRETARY SMT.SREE RAJESWARY.
2. U.PADMANABHAN, PRESIDENT ERNAKULAM
   URBAN CO-OPERATIVE SOCIETY LTD NO.7,
   RAVIPURAM ROAD, ERNAKULAM.
3. THE SENIOR POSTMASTER,ERNAKULAM
   HEAD POST OFFICE,COCHIN=682 011.
4. POSTMASTER GENERAL, ERNAKULAM.
5. SMT.M.G.LUCY,W/O. AUGUSTINE,
   PULIPARAMBIL HOUSE,H.NO. 30/2019,
   PONNURUNNI, VYTTILA, COCHIN-19.
6. SMT.M.D.PAULY,SAS AGENT, NEDUMPARAMBIL
   HOUSE,NETTOOR P.O.,ERNAKULAM.

R1 AND R2 BY ADV. SRI.V.B.UNNIRAJ
SRI.V.G.ARUN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD
ON 26/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.S. RADHAKRISHNAN & A.K. BASHEER, JJ.

C. M. Application No 1015 of 2007
and Writ Appeal No 2273 of 2007

Dated: 26th September 2007

JUDGMENT

Radhakrishnan,J.

There is a delay of 249 days in filing the appeal. We have perused the affidavit filed in support of the petition.

2. Learned single judge disposed of the original petition placing reliance on a Bench decision of this court in Thrissur Taluk Chethu Thozhilali Multipurpose Co-op. Society Ltd v. Sub Post Master (2005 (1) KLT 918) wherein it was held that depositors are entitled to 9% interest. Challenge is only with regard to the rate of interest. The only contention raised by the appellant was that learned judge ought to have taken note of the fact that the Society had not placed any materials to show that office bearers were not authorised to invest public funds in their names. It is too late for the appellant to raise such a contention. In such circumstances we find no infirmity in the learned judge applying the dictum laid down by the Division Bench in the matter of awarding interest. Further we find no reason to condone the delay as well. Accordingly, both the petition to

condone the delay and the appeal stand dismissed.

Sd/-
K.S. RADHAKRISHNAN
Judge

Sd/-
A.K.BASHEER
Judge

26/09/2007
en

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